

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2008 Legislative Session**

**Legislative Day No. 8  
July 7, 2008**

**HOWARD COUNTY TO WIT:**

The Chairman called the session to order at 7:47 p.m.

Courtney Watson, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present.

Sheila Tolliver; Administrator to the County Council; Margaret Nolan, County Solicitor; Jim Vannoy and Paul Johnson, Office of Law, were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 7, June 2, 2008. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the journal was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the journal passed.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Legislative Public Hearing – June 16, 2008; and the Legislative Work Session – June 20, 2008. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the minutes was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the minutes passed. (See attached.)

The Chairperson moved to approve the minutes for the Council meeting with the Board of Education – June 17, 2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Sigaty and Terrasa; Absent: Council Member Fox.

. The motion to approve the minutes passed. (See attached.)

## **INTRODUCTION**

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

### **Appointments**

Council Resolution No. 79-2008 - Introduced by: Chairperson - Appointing Henry Eagles to the Board of Appeals of Howard County, MD, to fill a term ending on December 31, 2012

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A RESOLUTION appointing Henry Eagles to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2012.

Council Resolution No. 68-2008 – Confirming the reappointment of Michael J. Jack to the Howard County Board of Directors of the Revenue Authority

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A RESOLUTION confirming the reappointment of Michael J. Jack to the Howard County Board of Directors of the Revenue Authority.

Council Resolution No. 69-2008 – Confirming the reappointment of Charles A. Borek to the Pension Oversight Commission

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A RESOLUTION confirming the reappointment of Charles A. Borek to the Pension Oversight Commission.

Council Resolution No. 70-2008 – Confirming the reappointment of Kwang Chul Whang to the Board of Directors of the Economic Development Authority

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A RESOLUTION confirming the reappointment of Kwang Chul Whang to the Board of Directors of the Economic Development Authority.

Council Resolution No. 71-2008 – Confirming the appointment of Phyllis Meyerson to the Commission for Women

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A RESOLUTION confirming the appointment of Phyllis Meyerson to the Commission for Women.

Council Resolution No. 72-2008 – Confirming the appointment of Brenda McChriston to the Personnel Board.

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A RESOLUTION confirming the appointment of Brenda McChriston to the Personnel Board.

Council Resolution No. 73-2008 – Confirming the appointment of Barbara A. Nicklas to the Board of Directors of the Economic Development Authority

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A RESOLUTION confirming the appointment of Barbara A. Nicklas to the Board of Directors of the Economic Development Authority.

### **Financial**

Council Bill No. 52-2008 - Supplementing Council Bill No. 35-2006 to allow proceeds of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D, to be used to finance certain capital projects and project costs described in Council Bills Nos. 28-2008, 29-2008, 30-2008 and 31-2008; and supplementing Council Bill No. 34-2006 to allow proceeds of the County's Consolidated Public Improvement Bonds and/or Metropolitan District Bonds authorized thereby to be used to refinance such capital projects and project costs; and providing for and determining various matters in connection therewith

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AN ORDINANCE supplementing Council Bill No. 35-2006 to allow proceeds of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D, to be used to finance certain capital projects and project costs described in Council Bills Nos. 28-2008, 29-2008, 30-2008 and 31-2008; and supplementing Council Bill No. 34-2006 to allow proceeds of the County's Consolidated Public Improvement Bonds and/or Metropolitan District Bonds authorized thereby to be used to refinance such capital projects and project costs; and providing for and determining various matters in connection therewith.

### **General**

Council Bill No. 53-2008 - Adding the Howard County Revenue Authority to the list of entities that are considered a “governmental agency” under the County’s Risk Management provisions in order to authorize certain agreements; clarifying that a “governmental agency” includes its volunteers; making certain technical corrections; and generally related to risk management provisions in the Howard County Code

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AN ACT adding the Howard County Revenue Authority to the list of entities that are considered a “governmental agency” under the County’s Risk Management provisions in order to authorize certain agreements; clarifying that a “governmental agency” includes its volunteers; making certain technical corrections; and generally related to risk management provisions in the Howard County Code.

Council Bill No. 54-2008 - Adding an appointed member and two Ex Officio members to the Howard County Alcohol and Drug Abuse Advisory Board; amending the total number of appointed members and Ex Officio members, and generally relating to the Howard County Alcohol and Drug Abuse Advisory Board

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AN ACT adding an appointed member and two Ex Officio members to the Howard County Alcohol and Drug Abuse Advisory Board; amending the total number of appointed members and Ex Officio members, and generally relating to the Howard County Alcohol and Drug Abuse Advisory Board.

Council Resolution No. 74-2008 – Pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company for a secondary cable television franchise in Waverly Woods

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A RESOLUTION pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company for a secondary cable television franchise in Waverly Woods.

Council Resolution No. 75-2008 – Pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company for a secondary cable television franchise in Taylor Village

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A RESOLUTION pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company for a secondary cable television franchise in Taylor Village.

Council Resolution No. 76-2008 – Adopting a Tax Increment Financing Application Fee

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A RESOLUTION adopting a Tax Increment Financing Application Fee.

Council Resolution No. 77-2008 – Approving the 2008 Amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions based on:

1. An analysis of the water and sewerage systems, including systems expansion to serve presently undeveloped areas within the Planned Service Area and augmentation of undersized existing facilities; and
2. The progress of projects for future water supply and sewerage treatment needs in the county and outside of the county, including improvements to the Western Third Zone water supply and expansion of the Patapsco Wastewater Treatment Plant being built in coordination with Baltimore City and Baltimore County;
3. Review of service priorities for properties in the Planned Service Area; and
4. Changes in the anticipated alignment, location, and sizing of future facilities

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A RESOLUTION approving the 2008 Amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions based on:

1. An analysis of the water and sewerage systems, including systems expansion to serve presently undeveloped areas within the Planned Service Area and augmentation of undersized existing facilities; and

2. The progress of projects for future water supply and sewerage treatment needs in the county and outside of the county, including improvements to the Western Third Zone water supply and expansion of the Patapsco Wastewater Treatment Plant being built in coordination with Baltimore City and Baltimore County;
3. Review of service priorities for properties in the Planned Service Area; and
4. Changes in the anticipated alignment, location, and sizing of future facilities.

Council Resolution No. 78-2008 – The Chairperson - Calling the County Council of Howard County, MD into legislative session on July 30, 2008

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A RESOLUTION calling the County Council of Howard County, MD into legislative session on July 30, 2008

## **FINAL CONSIDERATION**

### **Appointments**

Council Resolution No. 61-2008 – Confirming the appointment of Adejire Bademosi to the Human Rights Commission.

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The Chairperson moved to withdraw Council Resolution No. 61-2008 at the request of the Human Rights Commission. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to withdraw Council Resolution No. 61-2008 passed.

Council Resolution No. 78-2008 – The Chairperson - Calling the County Council of Howard County, MD into legislative session on July 30, 2008

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The Chairperson moved to adopt Council Resolution No. 78-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 78-2008 passed.

### **Financial**

Transfer of Appropriation Ordinance No. 1-Fiscal 2009 – Transferring \$4,000,000 in Other Funding to Capital Project C0264, Systemic Facility Improvements, from Capital Project C0214, Category Contingency Fund

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The Chairperson moved to adopt Transfer of Appropriation Ordinance No. 1-Fiscal 2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Transfer of Appropriation Ordinance No. 1-Fixcal 2009 passed.

Council Bill No. 45-2008 - To authorize and empower Howard County, Maryland, to borrow up to \$27,000,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. E-1005 (Mt. Hebron High School Renovation), as more particularly described in the County's 2009 Capital Budget, and to pay costs of issuance of such bonds

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The Chairperson moved to adopt Council Bill No. 45-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 45-2008 passed.

### **General**

Council Bill No. 39-2008 – Amending the Adequate Public Facilities Ordinance to expand the eligibility for Route 1 revitalization allocations; to amend the number of units that may be granted to a given project; to provide for the advancement of certain Route 1 revitalization allocations under certain conditions; and generally related to Howard County's Adequate Public Facilities Ordinance (*Amended and Tabled 06/02/08*)

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The Chairperson moved to remove Council Bill No. 39-2008 from the table. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to remove Council Bill No. 39-2008 from the table passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 39-2008 as follows: (*This amendment would clarify that projects which utilize advanced Rt. 1 allocations would have to adhere to the Adequate Public Facilities Ordinance including Open/Closed Schools and Road Facilities tests and that developers electing to utilize advanced Rt. 1 allocations would have to pay a charge to the County which are intended to fund public facilities serving the Rt. 1 Corridor.*)

On page 1, in line 25, after “of”, strike the remainder of the sentence and substitute, “THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING THE OPEN/CLOSED SCHOOLS TEST AND THE ADEQUATE ROAD FACILITIES TEST.”

On page 3, in line 3, after “of”, strike the remainder of the sentence and substitute, “THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING THE OPEN/CLOSED SCHOOLS TEST AND THE ADEQUATE ROAD FACILITIES TEST.”

On Page 3, immediately following line 3, insert:

“(I) ADVANCING OF ROUTE 1 ALLOCATIONS, ROUTE 1 PUBLIC FACILITY CHARGE. ANY DEVELOPER ELECTING TO UTILIZE ADVANCED ROUTE 1 ALLOCATIONS SHALL PAY AN ADVANCED ALLOCATION CHARGE TO BE SET BY RESOLUTION OF THE COUNTY COUNCIL. A DEVELOPER MAY CONTRIBUTE REAL PROPERTY OR OTHER CAPITAL IMPROVEMENTS IN LIEU OF PAYMENT OF ALL OR A PORTION OF THE ADVANCED ALLOCATION CHARGE WHEN THE CONTRIBUTION WOULD BETTER SERVE THE PUBLIC INTEREST THAN PAYMENT OF THE CHARGE. CONTRIBUTIONS IN LIEU OF PAYMENT OF THE CHARGE SHALL:

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  - 1) BE OF EQUIVALENT OR GREATER VALUE THAN THE AMOUNT OF THE CHARGE, OR PORTION THEREOF; AND
  - (2) CONSTITUTE REAL PROPERTY OR IMPROVEMENTS THAT ARE NOT ALREADY REQUIRED TO BE DEDICATED TO THE COUNTY PURSUANT TO TITLE 16, SUBTITLE 1 OF THE HOWARD COUNTY CODE.

**Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland, that it is the intent of the County Council and the County Executive that all charges collected pursuant to Section 1 of this Act will be appropriated for public facilities serving the Route 1 Corridor, including but not limited to schools, libraries, fire stations and community centers.”

Renumber the existing Section 2 to be Section 3.

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 2 to Council Bill No. 39-2008 as follows: *(This amendment would clarify any real property contribution should be suitable for public amenities).*

On page 1, in line 27, after “PROPERTY” insert “SUITABLE FOR THE CONSTRUCTION OF PUBLIC AMENITIES IN THE ROUTE 1 CORRIDOR”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 to the amendment was:  
Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.  
Amendment No. 1 to Amendment No. 2 to Council Bill No. 39-2008 passed.

Note: Amendment No. 2 to Amendment No. 2 to Council Bill No. 39-2008 was not introduced.

The Chairperson moved to adopt Amendment No. 3 to Amendment No. 2 to Council Bill No. 39-2008 as follows: *(This amendment requires developers electing to utilize advanced Rt. 1 allocations to contribute land for public facilities. The land is to be located in the portion of the corridor which provides the advanced allocations.)*

On page 1, in line 23, strike “CHARGE” and substitute “CONTRIBUTION”.

On page 1, in line 24, after “SHALL” strike the remainder of the sentence and substitute, “CONTRIBUTE REAL PROPERTY FOR PUBLIC FACILITIES SERVING THE PORTION OF ROUTE 1 CORRIDOR IN WHICH ADVANCED ALLOCATIONS ARE PERMITTED, INCLUDING BUT NOT LIMITED TO SCHOOLS, LIBRARIES, FIRE STATIONS AND COMMUNITY CENTERS.”

On page 1, strike the sentence beginning on line 27 with “A” and ending on line 29 with “CHARGE.”, inclusive.

On page 1, in line 29, after “CONTRIBUTIONS” strike “IN LIEU OF PAYMENT OF THE CHARGE” and substitute “OF REAL PROPERTY”.

On page 1, in line 32, after “BE” strike “OF EQUIVALENT OR GREATER VALUE THAN THE AMOUNT OF THE CHARGE, OR PORTION THEREOF” and substitute “SUITABLE FOR THE CONSTRUCTION OF PUBLIC AMENITIES IN THE ROUTE 1 CORRIDOR”.

On page 1, immediately following line 33, insert:  
“(2) BE ACCEPTABLE TO HOWARD COUNTY GOVERNMENT OR THE BOARD OF EDUCATION OF HOWARD COUNTY FOR A PUBLIC FACILITY NEEDED BY THE COMMUNITY; AND”.

On page 1, in line 34, strike “2” and substitute “3”.

On page 1, in line 34, after “PROPERTY” strike “OR IMPROVEMENTS THAT ARE” and substitute “THAT IS”.

On page 2, strike Section 2 in its entirety.

On page 2, in line 9, strike “Renumber the existing Section 2 to be Section 3.”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 3 to the amendment was:  
Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.  
Amendment No. 3 to Amendment No. 2 to Council Bill No. 39-2008 passed.

The roll call vote called by the Chairperson on Amendment No. 2 as amended was: Yea:  
Council Members Watson, Ball, Fox, Sigaty and Terrasa.  
Amendment No. 2 to Council Bill No. 39-2008 passed as amended.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 39-2008 as follows: *(This amendment would delete the provision that would allow single-family attached and multifamily dwellings to receive Rt. 1 allocations.)*

On the title page, in line 1 of the title, after “to”, strike “expand” and substitute “change”.

On page 1, in line 17 and 18 after “in”, strike “SINGLE-FAMILY ATTACHED DEVELOPMENTS, MULTI-FAMILY DEVELOPMENTS, OR”.

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The motion was seconded by Ms. Sigaty.



The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 39-2008 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 39-2008 as follows: *(This amendment clarifies the requirement that a project cannot have more than a total of 150 allocations to be eligible to receive advanced Route 1 Revitalization Allocations.)*

On page 2, in line 16, after the second “ALLOCATIONS” insert “IN THE YEAR TO WHICH ALLOCATIONS ARE TO BE ADVANCED”.

On page 2, in line 16, after “ALLOCATIONS” insert “FOR THAT YEAR”.

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 4 to Council Bill No. 39-2008 as follows: *(This amendment corrects an error in another amendment.)*

On page 1 of Amendment No. 4, in line 4, strike “16” and substitute “17”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to Amendment No. 4 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Amendment No. 4 to Council Bill No. 39-2008 passed.

The roll call vote called by the Chairperson on Amendment No. 4 as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 4 to Council Bill No. 39-2008 passed as amended.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 39-2008 passed as amended.

Council Bill No. 46-2008 – Introduced by Councilperson Fox - Amending reporting requirements by the Personnel Officer to the County Council; and establishing certain reporting requirements for positions created

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Council Member Fox moved to table Council Bill No. 46-2008. The motion was seconded by Mr. Ball.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to table Council Bill No. 46-2008 passed.

Council Bill No. 47-2008 – Amending provisions of the County Code that regulate electrical work; clarifying work that can be performed by certain homeowners; adopting the National Electrical Code for 2008 and local amendments thereto; and generally relating to the electrical requirements in Howard County

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The Chairperson moved to adopt Council Bill No. 47-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 47-2008 passed.

Council Bill No. 48-2008 – Amending the definition of food service facility; and generally relating to food handling provisions of the Howard County Code

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The Chairperson moved to adopt Council Bill No. 48-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 48-2008 as follows: *(This amendment adds a definition of the term “potentially hazardous foods”).*

On page 3, after line 2, insert:

“(5) “POTENTIALLY HAZARDOUS FOOD: HAS THE MEANING STATED IN THE CODE OF MARYLAND REGULATIONS, SECTION 10.15.03.02.B.”.”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 48-2008 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 48-2008 passed as amended.

Council Bill No. 49-2008 - Regulating certain residential multi-used sewerage systems; defining certain terms; providing that the County shall act as an approving authority; setting forth responsibilities of the Department of Public Works; setting forth certain standards for design and construction; setting forth certain responsibilities of certain parties; requiring certain covenants; providing for certain rights of entry; authorizing certain fees and methods of enforcement; requiring certain forms of financial security ; and generally relating to residential multi-used sewerage systems in Howard County

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The Chairperson moved to adopt Council Bill No. 49-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 49-2008 as follows: *(This amendment adds a co-sponsor to the bill.)*

On page 1, in the sponsor line, insert: “and Greg Fox”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 49-2008 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 49-2008 as follows: *(This amendment provides that certain provisions of the Bill apply to multi-used residential sewerage systems under certain conditions, clarifies the financial security requirements, changes the civil penalty for violations of the Bill, and makes a technical change.)*

On page 1, in line 11, after “PARCEL”, insert “AND FOR WHICH A PERMIT IS ISSUED AFTER JANUARY 1, 2008”.

On page 1, after line 11, insert:

“(2) EXCEPT FOR SECTIONS 18.1503 (A) (1) AND (B) AND 18.1504 (E) (1), THIS SUBTITLE APPLIES TO A MULTI-USED RESIDENTIAL SEWERAGE SYSTEM:  
(I) FOR WHICH A PERMIT WAS ISSUED ON OR BEFORE JANUARY 1, 2008; AND  
(II) FOR WHICH INSTALLATION HAS NOT BEEN COMPLETED ON OR BEFORE JULY 1, 2008.”.

On page 1, in line 12, strike “(2)” and substitute “(3)”.

On page 3, in line 15, and on page 5, in line 2, in each instance, strike “RETAINED EARNINGS” and substitute “CAPITAL RESERVES”.

On page 5, strike in lines 4 and 5 “BEFORE INSTALLING THE MULTI-USED RESIDENTIAL SEWERAGE SYSTEM,”; on the same page, in line 8, strike “SYSTEM” and substitute: “SYSTEM:”

- (1) BEFORE THE HOMEOWNERS’ ASSOCIATION OR CONDOMINIUM ASSOCIATION BECOMES THE RESPONSIBLE PARTY FOR THE SYSTEM, IF CONSTRUCTION OF THE SYSTEM BEGINS ON OR BEFORE SEPTEMBER 8, 2008; OR
- (2) BEFORE INSTALLING THE SYSTEM, IF CONSTRUCTION OF THE SYSTEM BEGINS AFTER SEPTEMBER 8, 2008”.

On page 7, in line 12, strike “CLASS C” and substitute “CLASS A”.

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 2 to Council Bill No. 49-2008 as follows: *(This amendment defines a term, revises the financial security provisions and adds criteria for releasing the financial security.)*

On page 1 of the Amendment, after line 12, insert:

“On page 1, after line 28, insert:  
“(F) INSTALLATION. “INSTALLATION” MEANS CONSTRUCTION OF A MULTI-USED RESIDENTIAL SEWERAGE SYSTEM THAT MEETS THE EFFLUENT REQUIREMENTS OF THE SYSTEM’S PERMIT.”.”

On page 1 of the Amendment, in line 22, strike “INSTALLING” and substitute “BEGINNING CONSTRUCTION OF”.

On page 2 of the Amendment, strike line 1 in its entirety and substitute:  
“SEPTEMBER 8, 2008.”

(G) FINANCIAL SECURITY REQUIRED BY SUBSECTION (F) OF THIS SECTION SHALL:

- (1) GUARANTEE THE CONSTRUCTION OF THE MULTI-USED RESIDENTIAL SEWERAGE SYSTEM IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND STANDARDS OF THE MARYLAND DEPARTMENT OF ENVIRONMENT AND THE COUNTY; AND
- (2) INCLUDE GUARANTEES BY THE RESPONSIBLE PARTY THAT SHALL INCLUDE THE FOLLOWING:
  - (i) PERFORMANCE FINANCIAL SECURITY IN A FORM ACCEPTABLE TO THE COUNTY IN AN AMOUNT THAT:
    - A. IS EQUAL TO 100% OF THE ESTIMATED COST OF CONSTRUCTION;
    - B. GUARANTEES TIMELY AND SATISFACTORY COMPLETION OF THE MULTI-USED SEPTIC SYSTEM; AND
    - C. GUARANTEES THE OPERATION OF THE MULTI-USED SEPTIC SYSTEM IN ACCORDANCE WITH THE PERMIT; AND
  - (ii) PAYMENT FINANCIAL SECURITY IN A FORM ACCEPTABLE TO THE COUNTY IN AN AMOUNT THAT:
    - A. IS EQUAL TO 50% OF THE ESTIMATED COST OF CONSTRUCTION; AND
    - B. GUARANTEES THE PAYMENT OF DEBTS OWED FOR LABOR AND MATERIALS USED IN THE CONSTRUCTION OF THE MULTI-USED SEPTIC SYSTEM; AND
  - (iii) A MAINTENANCE AND REPAIR FINANCIAL SECURITY IN A FORM ACCEPTABLE TO THE COUNTY AND IN AN AMOUNT THAT:
    - A. IS EQUAL TO 50% OF THE ORIGINAL AMOUNT OF THE PERFORMANCE SECURITY; AND
    - B. GUARANTEES THE RESPONSIBLE PARTY’S OBLIGATION TO COMPLETE REPAIRS TO THE MULTI-USED SEWERAGE SYSTEM AND TO REMEDY DAMAGES.

(H) FINANCIAL SECURITY REQUIRED BY SUBSECTION (F) OF THIS SECTION SHALL BE RELEASED AS FOLLOWS:

- (1) THE APPROVING AUTHORITY SHALL RETAIN THE PERFORMANCE FINANCIAL SECURITY UNTIL THE LATER OF:
  - (i) ONE YEAR AFTER THE DATE OF ISSUANCE OF A USE AND OCCUPANCY PERMIT FOR THE RESIDENTIAL LOTS WHICH ESTABLISHES OCCUPANCY OF 80% OF THE RESIDENTIAL LOTS SERVED BY THE SYSTEM, IF DURING THE YEAR AFTER ISSUANCE OF THE USE AND OCCUPANCY PERMIT THE REPORTS FOR THE SYSTEM’S OPERATION COMPLIED WITH EFFLUENT REQUIREMENTS OF THE GROUNDWATER DISCHARGE PERMIT; OR
  - (ii) ONE YEAR AFTER THE DATE THE RESPONSIBLE PARTY HAS OPERATED THE SYSTEM IN COMPLIANCE WITH THE PERMIT FOR 12 CONSECUTIVE MONTHS;

- (2) THE APPROVING AUTHORITY SHALL RETAIN THE PAYMENT FINANCIAL SECURITY UNTIL THE LATER OF:  
(I) THE DATE THE PERFORMANCE FINANCIAL SECURITY IS RELEASED; OR  
(II) ANY CLAIMS AGAINST THE PAYMENT FINANCIAL SECURITY HAVE BEEN RESOLVED; AND
- (3) THE APPROVING AUTHORITY SHALL RETAIN THE MAINTENANCE AND REPAIR FINANCIAL SECURITY UNTIL THE LATER OF:  
(I) ONE YEAR AFTER THE DATE THE PERFORMANCE FINANCIAL SECURITY IS RELEASED; OR  
(II) ONE YEAR AFTER THE DATE THE RESPONSIBLE PARTY HAS OPERATED THE SYSTEM IN COMPLIANCE WITH THE PERMIT FOR 12 CONSECUTIVE MONTHS.”.
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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to Amendment No. 2 was:  
Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Amendment No. 2 to Council Bill No. 49-2008 passed.

The roll call vote called by the Chairperson on Amendment No. 2 as amended was: Yea:  
Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 2 to Council Bill No. 49-2008 passed as amended.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council  
Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 49-2008 passed as amended.

Council Bill No. 50-2008 (ZRA-95) – Introduced by Courtney Watson, Chairperson and at the request of the County Executive - Amending the Howard County Zoning Regulations to establish a new definition for Neighborhood Preservation Parcel; to establish new procedures detailing the process in which qualifying Neighborhood Preservation Parcels may be used as sending parcels to send residential density to certain receiving districts; and generally relating to Neighborhood Preservation Parcels

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The Chairperson moved to adopt Council Bill No. 50-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 50-2008 as follows: *(This amendment removes PGCC as a receiving zone.)*

On page 1, strike beginning with “Subsection” in line 14 down through “added;” in line 17.

On page 6, strike lines 6 though 23 in their entirety.

On page 12, in line 24, strike “PGCC-2,”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council  
Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 50-2008 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 50-2008 as follows: *(This amendment removes MXD as a receiving zone.)*

On page 1, strike beginning with “Subsection” in line 17 down through “added;” in line 19.

On page 6, strike lines 26 through 32 in their entirety.

On page 7, strike lines 1 through 32 in their entirety.

On page 8, strike lines 1 through 10 in their entirety.

On page 12, in line 25, strike beginning with “TNC” down through “DEVELOPMENT” in line 27 and substitute “and TNC DISTRICTS”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 2 to Council Bill No. 50-2008 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 50-2008 as follows: *(This amendment removes TNC as a receiving zone.)*

On page 1, strike beginning with “Subsection” in line 21 down through “added;” in line 24.

On page 9, strike lines 8 through 32 in their entirety.

On page 10, strike lines 1 through 3 in their entirety.

On page 12, in line 25, strike “,TNC” .

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 3 to Council Bill No. 50-2008 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 50-2008 as follows: *(This amendment requires a 75-foot setback from project boundaries for receiving parcels to be developed using the R-ED option and that adjoin existing single-family detached developments.)*

On page 4, in line 11, after “REVIEW” insert “, EXCEPT THAT STRUCTURES ARE REQUIRED TO BE SET BACK 75 FEET FROM PROJECT BOUNDARIES ADJOINING SINGLE-FAMILY DETACHED DEVELOPMENTS”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 4 to Council Bill No. 50-2008 passed.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 50-2008 as follows: *(This amendment would clarify that, for R-12 receiving districts, the 10% bonus would be based on net density of 3 units per net acre.)*

On page 5, in line 3, after “DENSITY”, strike “IN THE R-ED DISTRICT” and substitute “OF 3 DWELLING UNITS PER NET ACRE”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 5 to Council Bill No. 50-2008 passed.

The Chairperson moved to adopt Amendment No. 7 to Council Bill No. 50-2008 as follows: *(This amendment provides that receiving parcels in the R12 and R20 must be 11 acres or more.)*

On page 12, in line 31, strike “15” and substitute “11”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 7 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 7 to Council Bill No. 50-2008 passed.

The Chairperson moved to adopt Amendment No. 8 to Council Bill No. 50-2008 as follows: *(This amendment would change the percentage of a development right for an apartment from .35 to .33.)*

On page 13, in the table after line 5, in the row beginning with “APARTMENT”, strike “.35” and substitute “.33”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 8 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 8 to Council Bill No. 50-2008 passed.

The Chairperson moved to adopt Amendment No. 9 to Council Bill No. 50-2008 as follows: *(This amendment would exclude certain parcels from being receiving parcels).*

On page 13, in line 7, insert:

“D. ANY PARCEL WITH THE MAIN STEM OF EITHER THE PATAPSCO RIVER, THE PATUXENT RIVER, THE LITTLE PATUXENT RIVER, THE MIDDLE PATUXENT RIVER, OR THE DEEP RUN RUNNING THROUGH THE PROPERTY SHALL BE EXCLUDED FOR CONSIDERATION AS A RECEIVING PARCEL.”.

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 9 to Council Bill No. 50-2008 as follows: *(This amendment would exclude parcels being developed as single-family attached and multi-family developments from being receiving parcels).*

On page 1, in line 15, after “PARCEL”, insert “FOR DEVELOPMENT OF SINGLE-FAMILY ATTACHED OR MULTI-FAMILY HOUSING”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to the amendment was:  
Yea: Council Members Watson, Ball, Fox and Terrasa; Nay: Council Member Sigaty.  
Amendment No. 1 to Amendment No. 9 to Council Bill No. 50-2008 passed.

The roll call vote called by the Chairperson on Amendment No. 9 as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.  
Amendment No. 9 to Council Bill No. 50-2008 passed as amended.

The Chairperson moved to adopt Amendment No. 6 to Council Bill No. 50-2008 as follows: *(This amendment limits sending and receiving to within a planning district.)*

On page 10, in line 14, after “PRESERVATION”, insert “WITHIN THE SAME PLANNING DISTRICT”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 6 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.  
Amendment No. 6 to Council Bill No. 50-2008 passed.

The roll call vote called by the Chairperson on Council Bill No. 50-2008 as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.  
Council Bill No. 50-2008 passed as amended.

Council Bill No. 51-2008 – Introduced by Greg Fox – Prohibiting installation of certain multiuse sewerage systems for residential projects; providing exceptions; allowing the County Board of Health to adopt certain regulations; and generally relating to private sewer systems

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The Chairperson moved to adopt Council Bill No. 51-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.  
Council Bill No. 51-2008 passed.

Council Resolution No. 62-2008 – Introduced by Courtney Watson - Requesting the Department of Planning and Zoning to include the New Town zoning district as a density receiving parcel for the Neighborhood Preservation Density Exchange Option during the future revision to the New Town zoning regulations

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The Chairperson moved to withdraw Council Resolution No. 62-2008 due to a provision in Council Bill No. 50-2008. The motion was seconded by Ms. Sigaty.



The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to withdraw Council Resolution No. 62-2008 passed.

Council Resolution No. 63-2008 – Commencing a proceeding to identify the future cable-related community needs and interests and to review the performance of Comcast of Howard County, LLC.

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The Chairperson moved to adopt Council Resolution No. 63-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 63-2008 passed.

Council Resolution No. 64-2008 – Adopting the Housing Unit Allocation Chart for Fiscal Year 2009 pursuant to the Adequate Public Facilities Act of Howard County

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The Chairperson moved to adopt Council Resolution No. 64-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 64-2008 passed.

Council Resolution No. 65-2008 - Adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development

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The Chairperson moved to adopt Council Resolution No. 65-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 65-2008 passed.

Council Resolution No. 66-2008 - Amending the Food Service Facilities Regulations; changing the definitions of food service facility and potentially hazardous food; requiring certified food service managers to be on-site during certain hours of operation at certain entities; providing certain exemptions to the food service manager requirements; providing for the administration and enforcement of food service manager requirements; providing for new minimum and maximum ambient temperatures and storage temperatures for ground meat and poultry; and generally related to food service facilities regulations in Howard County

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The Chairperson moved to adopt Council Resolution No. 66-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 66-2008 as follows: *(This amendment provides for the option of completing certification through distance education training.)*

On page 12 of Exhibit A attached to the Resolution, in subsection (7) of section A. after “TRAINING” insert “IN A CLASSROOM SETTING OR THROUGH DISTANCE EDUCATION COURSEWORK AS DETERMINED BY THE HOWARD COUNTY HEALTH DEPARTMENT”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Resolution No. 66-2008 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 66-2008 passed as amended.

### **ADJOURNMENT**

The Chairperson adjourned the legislative session at 8:25 p.m.

### **TABLED LEGISLATION**

Council Bill No. 46-2008 – Introduced by Councilperson Fox - Amending reporting requirements by the Personnel Officer to the County Council; and establishing certain reporting requirements for positions created (*Tabled June 7, 2008*)

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